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ROGER PITT
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP
599 LEXINGTON AVENUE
33RD FLOOR
NEW YORK, NY 10022-6030

EXAMINER	
MA, JOHNNY	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/840,283	STILIADIS, NICHOLAS	
	Examiner	Art Unit	
	Johnny Ma	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☒ Claim(s) *7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-9 and 12-22 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 10, 11, and 23 have been fully considered but they are not persuasive. Regarding claim 10, Applicant argues "claim 10, specifically recites projection of the movie for display to an audience in a theater." However, the previous Office Action discussed this limitation, "projecting said digital format using a digital projector onto a screen for display to an audience (See Abecassis fig. 9 unit 959 Projector and col. 33 lines 29-39 "In commercial applications, such as a theater, a RAViT 936 may support a high definition projector 959 such as for example Hughes/JVC Electronic HDTV projector." Figure 9 unit 959 clearly shows projecting a video on a digital projector onto a screen for display to an audience" (Prior Office Action, page 20). Furthermore, claims 11 and 23 do not appear to be discussed in Applicant's arguments. Applicant provides arguments regarding marketing materials. However, the examiner respectfully submits that claim 11, as claimed, does not recite such a limitation. With respect to claim 23, the claim recites "a third memory domain for receiving market data in response to an order for said multimedia product." The examiner respectfully submits that this limitation does not require that the advertising material be used to market the movie being marketed nor the provision of marketing data to potential exhibitors as argued by the Applicant. Rather the examiner respectfully submits that the market data is met by that discussed in the previous rejection of claim 23, discussing the storing

important market data (such as vital customer information) in response to an order for a multimedia product.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 12, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3 and 14, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). However, for the purpose of examination, the examiner will interpret "such as celluloid media, printed media, video cassettes, and audio tape" to read "selected from the group consisting of celluloid media, printed media, video cassettes, and audio tape."

Claim 12 recites the limitation "calculate an amount owed by said customer for said product" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim. However, for the purpose of examination, the examiner interprets "said product" to read "said multimedia material."

Claim Objections

4. Claim 7 is objected to because of the following informalities: "on said sever system" should read "on said server system." Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Abecassis (U.S. Patent # 6,038,367).

As for Claim 11, Abecassis teaches a system for distributing multimedia (see fig. 9 units 913 video provider system and unit 936 RAViT, col. 32 lines 22-38 "A video provider system, for example 91 1, comprises: i) communications technologies 921 for establishing a plurality of video and communications streams to a plurality of RAViT 931-936',") comprising:

a. a first central processing unit (see 01. 32 lines 26-31 "ii) processing hardware and software 922 for retrieving from a RAVIT a subscriber's video preferences and content preferences, and for automatically selecting, for each of the participating subscribers, a content-on-demand video responsive to the video and content preferences;");

b. a first memory associated with said first central processing unit (see col. 32 lines 31-36 "iii) mass storage random access memory devices 923 for storing a videobase comprising a plurality of any combination of conventional programs and interactive games and services, variable content videos, and content-on-demand video including the corresponding video maps;");

c. a communications network accessible by said first central processing unit for transferring data into and out of said first memory (It is interpreted that there is inherently going to be a communication network between unit 922 and unit 923 to transfer data);

d. an input device connected for data transfer to said first central processing unit, said input device receiving multimedia and transferring it into said first memory via said central processing unit (see fig. 9 unit 905 Satellite col. 32 lines 1-5 "Shown are wired and non-wired video transmission infrastructures based on the use of one or a hybrid combination of the following: fiber optic 901, coaxial cable 902, twisted copper wire 903, microwave and radio 904, and satellite 905." Satellite 905 is interpreted to be an input device connected for data transfer to said first central processing unit);

e. a second central processing unit (see fig. 9 unit 936 RAViT and fig. 5 unit 511 System CPU. System CPU 511 is interpreted to be the second central processing unit);

f. a second memory, said second memory associated with said second central processing unit with said communications network being accessible by said second central processing unit for transferring data into and out of said second memory (see fig. 5 unit 512 Memory, col. 20 lines 44-48 "RAVIT further comprises computing elements and video processing elements readily found in multimedia devices and video electronic systems such as, for example and not limited thereto: i) microprocessor 51 1., ii) memory units 512', iii) video processor 513', and iv) video buffers 514."); and

g. a digital feature film projector in data communication with said second central processing unit for displaying a feature film onto a screen for presentation to an audience, said feature film stored in digital form in said second memory after being transferred via said communications network from said first memory (see fig. 9 unit 959 projector, col. 33 lines 29-40 "In commercial applications, such as a theater, a RAViT 936 may support a high definition projector 959 such as for example Hughes/JVC Electronic HDTV projector." It is interpreted that the data that is initially stored in the

server provider is transmitted via a communication network to the second processing unit of the RAViT, which is stored in a second memory of RAViT and eventually transmitted to projector 959 for display to an audience).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1) in further view of Guido et al. (US 5,924,013), Bernard et al. (US 5,918,213), and Mandeberg et al. (US 6,038,545).

As to claim 1, note the Hunter reference that discloses a system permitting the display of video or still image content on selected displays of an electronic display network according to customer dictates. Note the Hunter reference discloses "[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer's movie theater" (Hunter [0060]). The claimed "receiving multimedia material from a producer or owner of said material" is met by input module 470 "also serving to transmit movies in digital form to movie theaters having a server 100M and electronic movie display devices 30" (Hunter [0070]) wherein the movies originate from a movie producer or content owner (Hunter [0063]). Also note the Hunter reference discloses "input module 470 transmits advertising content to displays 30..." (Hunter [0070]). However, the Hunter reference does not specifically disclose that the input module 470 is a server. Now note the Guido et al. reference that discloses a method

and apparatus for transmitting motion picture cinematic information for viewing in movie theaters and ordering method thereof. The claimed "storing said material on a computer readable storage medium" is met by central site 2 includes a digital storage unit 14 for storing movies (Guido 3:37-62). The claimed "providing a server system accessible over a communication network" is met by "[t]o order a movie, the second computer 40 initiates communication with the first computer 12 at the central site 2 via a communication network 50, preferably a public or private telephone network" (Guido 4:36-38). The claimed "said server system accessing data from said computer readable storage medium for transfer over said communication network" is met by the transmission of the movie from central site to second computer wherein it is inherent that the stored movie be read from digital storage for transmission (Guido 3:49-62; 54-5:33). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter input module 470 for providing movies and advertising to a movie theater with the Guido et al. server for providing content for the purpose of providing a well known mechanism for providing requested content to a requesting entity. Further note, the Hunter reference discloses "[f]ollowing access, the customer reviews options concerning his order by reviewing the available movies through a review Available Movies and Purchase module 260 that permits the customer to see what movies are available" (Hunter [0060]). However, the Hunter reference is silent as to providing samples. Now note the Bernard et al. reference that discloses a system and method for automated remote previewing and purchasing of music, video, software, and other multimedia products. The claimed "providing samples over said server system of said multimedia material to potential purchasers" is met by

"where the product is movies, the purchaser can select a particular movie to preview before actually purchasing or renting the movie. In this scenario, a sample portion of the movie, or an actual preview, is provided to the customer for his or her sampling" (Bernard 3:30-36). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter reviewing of available movies with the Bernard et al. previewing of movies so "users can sample portions of selected title to determine whether or not it is a product they would actually like to...purchase" (Bernard 3:23-29). The claimed "downloading upon request over said server system said multimedia material" is met by the Hunter and Guido et al. combination as discussed above wherein "[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer's movie theater" (Hunter [0061]). The claimed "providing advertising material to purchasers over said communication network" is met by "FIG. 4 illustrates another system 420 including a network connecting both electronic displays 30 intended for advertising in high traffic areas and electronic movie display devices 230 intended for use as movie 'screens' in digital movie theaters. According to this embodiment of the invention, input module 470 transmits advertising content to displays 30 in the manner described above in connection with the embodiment of FIG. 1, while also serving to transmit movies in digital form to movie theaters having a server" (Hunter [0070]). Note the Hunter reference discloses "commercial advertisers, such as consumer product companies and the advertising agents that represent them, directly access a network of multiple, large, high resolution electronic displays located in high traffic areas and directly send their own advertisement electronically to the network to be displayed at

locations and times selected by the advertisers" (Hunter [0012]) wherein "[t]he displays may be located in...movie theaters" (Hunter [0021]). However, the Hunter reference does not specifically disclose that the advertisements are associated with the multimedia material. Now note the Mandeberg et al. reference that discloses system, methods and computer program products for generating digital multimedia store displays and menu boards. The claimed advertising material "allowing purchasers to locally market and sell said multimedia material" and "said purchaser publishing said advertising material" is met by "[p]romotional applications may include in-store marketing efforts which are targeted to motivate desired consumer behavior by increasing consumer awareness. For example, digital multimedia presentations may highlight product availability or specific in-store incentives to motivate product purchase" (Mandeberg 5:12-27) wherein "[s]tores may include...movie theaters" (Mandeberg 1:18-21) and "customization may take place at the individual store" (Mandeberg 2:30-48). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter advertising in movie theaters with the Mandeberg et al. advertising of store specific products for the purpose of raising consumer awareness about movies currently being presented at the movie theater and motivate consumption. The claimed "said purchaser being an exhibitor exhibiting said multimedia material in a public theater to a number of individuals" is met by "[a] customer of system 220, a responsible party representing the movie theater and referred to herein as a movie theater operator, may access a central information processing station of the system...that permits the customer to see what movies are available, and thereafter schedule and purchase a movie for display utilizing one or more of the customer's electronic movie display

devices 230" (Hunter [0060]). However, the Hunter reference does not specifically disclose "in exchange for a paid admission or a broadcast exhibitor." Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art for patrons to pay an admission fee to attend presentations at a movie theater so that a movie theater may generate revenue and thus continue to provide screening services to patrons. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter movie theater presentation accordingly for the above stated advantages.

As to claim 2, please see rejection of claim 1.

As to claim 3, the claimed "wherein receiving multimedia material includes receiving non-digital media [selected from the group consisting of celluloid media, printed media, video cassettes, and audio tape]." Note, the Hunter reference discloses "[t]he movie theater operator is a customer of a system that permits the customer to review movies that are available in digital form and thereafter schedule and purchase a movie for display on the digital movie screens located at the customer's theater" (Hunter [0013]). However, the Hunter reference is silent as to the medium over which such multimedia material is received. Now note the Guido et al. reference that discloses "wherein receiving multimedia material includes receiving non-digital media [selected from the group consisting of celluloid media, printed media, video cassettes, and audio tape]" wherein "[t]he central site includes a converter 8 which converts each frame of cinemagraphic movie film into a corresponding collection of digital data" (Guido 3:41-43) for storage (Guido 3:41-62; 6:1-3). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the Hunter available movies from a central location with the Guido et al. receipt and processing of celluloid media for the purpose of providing a medium for transferring multimedia material to the central location for purchase by movie theater operators.

As to claim 4, the claimed "including the step of digitizing said non-digital media for storage on said computer readable storage medium" is met by that discussed in the rejection of claim 3.

As to claim 5, the claimed "including providing a server system accessible over a public communication system" is met by that discussed in the rejection of claim 1 wherein the Guido et al. reference discloses server access over a public or private telephone network" (Guido 4:36-38).

As to claim 6, the claimed "including downloading digital material from said server system for digital display to an audience" is met by "means for transmitting digital movie content to the movie theaters...The server (storage device) at each movie theater is programmed at the time the theater owner places an order for a movie to receive and store the particular movie when it is transmitted so that it can be available for screening at the theater at the desired time" (Hunter [0062]).

As to claim 7, the claimed "including providing downloadable advertising materials on said [server] system" is met by the Hunter and Guido et al. combination as discussed in the rejection of claim 1, wherein advertising content is transmitted to the movie theater (Hunter [0021,0023]).

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1) in further view of Guido et al. (US 5,924,013), Bernard et

al. (US 5,918,213), Mandeberg et al. (US 6,038,545), Sprogis (US 2004/0093608 A1), and Vinson et al. (US 2003/0172374 A1).

As to claim 8, the claimed "further comprising collecting [...] information from exhibitor recipients of said multimedia material" is met by "[t]he operating system preferably has a modem that may be queried by the system's billing system on a periodic basis to bill the account" (Hunter [0063]) "[t]he system may also include means for generating royalty payment information for use in paying the content providers for the display of their movies" (Hunter [0013]). However, the Hunter reference does not specifically disclose that the collected information comprises sales information. Now note the Werner reference Sprogis reference that discloses collecting box office sales information to calculate audience exposure and for billing purposes (Sprogis [0029]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter collecting of information for billing with the Sprogis collection of ticket sales for the purpose providing accurate royalty payments to producers based on actual consumer consumption. Further note, the Hunter reference discloses "[i]nformation from verification archives module 150 is utilized by a demographic analysis module 170 to generate information for reports to be sent to customers after their advertisements have run" (Hunter [0036]). The Hunter and Sprogis combination teaches maintaining sales information. However, the Hunter reference is silent as to "and providing sales and marketing data based upon information from said users of said server system." Now note the Vinson et al. reference that discloses providing viewing behaviors data to users upon request (Vinson [0018,0089]). Therefore, the examiner submits that it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter and Sprogis sales data with the Vinson et al. reporting of viewing behaviors data for the purpose of providing the movie theater operator marketing information in which to make better business decisions regarding the scheduling and selection of motion pictures to present.

As to claim 9, the claimed "including providing marketing data based upon actual users of said server system" is met by that discussed in the rejection of claim 8.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (U.S. Patent # 6,038,367) in view of Sood (U.S. Patent # 6,233,523).

As for Claim 10, Abecassis teaches a method of distributing movies (see Abecassis col. 2 lines 30-36 "it is an object of the systems and methods herein disclosed to deliver to a viewer an automatically customized version of a single edition of the viewer-selected video responsive to the viewer's content preferences for the level of detail and explicitness in a range of content categories.") comprising:

c. transferring a digital format to a theater via a communications network and storing said digital format on a computer readable memory located at said theater (see Abecassis fig. 5 unit 500 RAViT and unit 503, 504, and 505 storage systems and col. 18 lines 41-67 "The viewer interface above detailed resides in a viewer's Random Access Video Technologies device ("RAViT"). A RAMT permits the viewer to retrieve content-on-demand videos and other services from media locally accessible or within the RAViT, or from a remote video services provider . . . A fully featured RAViT 500 comprises . . . iii) fixed storage sub-system 503, iv) removable storage sub-system 504, v) compact portable storage sub-system 505;"RAViT is interpreted to be a theater that receives

digital movies for projection to users. Storage systems 503-505 are interpreted to be storage systems for the theater; and

d. projecting said digital format using a digital projector onto a screen for display to an audience (see Abecassis fig. 9 unit 959 Projector and col. 33 lines 29-39 "In commercial applications, such as a theater, a RAMT 936 may support a high definition projector 959 such as for example Hughes/JVC Electronic HDTV projector." Figure 9 unit 959 clearly shows projecting a video on a digital projector onto a screen for display to an audience). However, Abecassis does not expressly teach:

a. receiving a movie on celluloid; and

b. scanning said movie converting it into a digital format, storing said digital format in a computer readable memory.

In the same field of endeavor, Sood teaches a method for converting data on a celluloid into a digital format. See Sood col. 3 lines 40-45 "Film cameras or still cameras may be used. Although conventional cameras based on celluloid film may be used in principle, the products of which are digitized at a later point of time, digital video Cameras are Preferred for two reasons. Firstly, it is more beneficial to take digital pictures directly and secondly, their data carriers may be reused for other trips" In light of the teaching of Sood, it would have been obvious to one of ordinary skill in the art to modify the teaching of Abecassis to include receiving a movie in celluloid and converting the data into a digital format to store in a computer readable memory. One of ordinary skill in the art at the time the invention was made would have been motivated to do this in order to transmit a movie that is originally captured on a celluloid to the RAMT theater system of Abecassis in a customized and edited version (see Abecassis col. 2 lines 30-36

"it is an object of the systems and methods herein disclosed to deliver to a viewer an automatically customized version of a single edition of the viewer-selected video responsive to the viewer's content preferences for the level of detail and explicitness in a range of content categories.")

10. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1) in further view of Guido et al. (US 5,924,013), and Mandeberg et al. (US 6,038,545).

As to claim 12, note the Hunter reference that discloses a system permitting the display of video or still image content on selected displays of an electronic display network according to customer dictates. Note the Hunter reference discloses "[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer's movie theater" (Hunter [0060]). The claimed "receiving multimedia material from a producer or owner of said material" is met by input module 470 "also serving to transmit movies in digital form to movie theaters having a server 100M and electronic movie display devices 30" (Hunter [0070]) wherein the movies originate from a movie producer or content owner (Hunter [0063]). Further note, the Hunter reference discloses "[a]ccording to this embodiment of the invention, input module 470 transmits advertising content to displays 30..while also serving to transmit movies" (Hunter [0070]) wherein "the customer transmits the advertising content...for receipt by the system's Video & Still Image Review and Input module 70" (Hunter [0022]) and "[t]he video & still image review and input module 70 permits a system security employee to conduct a content review...prior to the content being read to the server 100 associated with each display 30 where the content being transmitted to the

server 100 will be displayed" (Hunter [0023]). However, the Hunter reference does not specifically disclose that the input module 470 is a server. Now note the Guido et al. reference that discloses a method and apparatus for transmitting motion picture cinematic information for viewing in movie theaters and ordering method thereof. The claimed storing material on a computer readable storage medium is met by central site 2 includes a digital storage unit 14 for storing movies (Guido 3:37-62). The claimed "providing a server system accessible over a communication network" is met by "[t]o order a movie, the second computer 40 initiates communication with the first computer 12 at the central site 2 via a communication network 50" (Guido 4:36-38). The claimed said server system accessing data from said computer readable storage medium for transfer over said communication network is met by the transmission of the movie from central site to second computer wherein it is inherent that the stored movie be read from digital storage for transmission (Guido 3:49-62; 54-5:33). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter input module 470 for providing movies and advertising to a movie theater with the Guido et al. server for providing movie and advertising material for the purpose of providing a well known mechanism for providing content to a requesting entity. The claimed "said server system accessing said advertising material from said computer readable storage medium for transfer over said communication network" is met by the Hunter and Guido et al. combination as discussed above wherein advertisements are provided to the movie theater via a server. Note, the Hunter and Guido et al. combination discloses storing advertising material on a computer readable storage, as discussed above. Furthermore, the Hunter reference discloses "commercial advertisers,

such as consumer product companies and the advertising agents that represent them, directly access a network of multiple, large, high resolution electronic displays located in high traffic areas and directly send their own advertisement electronically to the network to be displayed at locations and times selected by the advertisers" (Hunter [0012]) wherein "[t]he displays may be located in...movie theaters" (Hunter [0021]). However, the Hunter reference does not specifically disclose that the advertisements are associated with the multimedia material. Now note the Mandeberg et al. reference that discloses system, methods and computer program products for generating digital multimedia store displays and menu boards. The claimed "advertising material associated with said material is met by "[p]romotional applications may include in-store marketing efforts which are targeted to motivate desired consumer behavior by increasing consumer awareness. For example, digital multimedia presentations may highlight product availability or specific in-store incentives to motivate product purchase" (Mandeberg 5:12-27) wherein "[s]tores may include...movie theaters" (Mandeberg 1:18-21) and "customization may take place at the individual store" (Mandeberg 2:30-48). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter and Guido et al. advertising in movie theaters with the Mandeberg et al. advertising of store specific products for the purpose of raising consumer awareness about movies currently being presented at the movie theater and motivate consumption. The claimed "establishing an account for a broadcast or live theater exhibitor" is met by "[t]he customer interface web server has a commerce engine and permits the customer to obtain and enter security code and billing code information into a Network Security Router/Access module 50...Following

access..." (Hunter [0060]). The claimed "providing said multimedia material to said exhibitor" is met by "[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer's movie theater" (Hunter [0061]). The claimed "downloading said advertising material [...] over said server system" is met by the Hunter, Guido et al., and Mandeberg et al. combination as discussed above wherein "the [advertising] content being read to the server 100 associated with each display 30 where the content being transmitted to the server 100 will be displayed" (Hunter [0023]). However, the Hunter et al. reference does not specifically disclose "[downloading said advertising material] upon request from said customer for said advertising material." Returning to the Mandeberg et al. reference, it is noted that "[t]he control and monitoring station 108 accesses the presentation database 104 to identify the digital multimedia presentation which are available for distribution when an operator creates a distribution package" (Mandeberg 9:49-52). The Mandeberg et al. reference further teaches "[downloading said advertising material] upon request form said customer for said advertising material" wherein "[t]he actions taken by a store manager using the control and monitoring station (on-site) 116 may result in communication with either a store administration server (Central) 112 or a store administration server (On-site) 120. The store administration server (Central) 112 communicates site administration input to the distribution server 106 where that input may affect presentation distribution or presentation configuration prior to distribution" (Mandeberg 13:56-63), "[p]resentations typically run without requiring any in-store personnel action, but may include selection, scheduling, or configuration options which allow on-site personnel to customize the presentations. Therefore, the examiner submits that it would have been

obvious to one of ordinary skill in the art at the time the invention was made to further modify the Hunter et al. and Guido et al. advertising material distribution system with the Mandeberg et al. selection of advertisements for presentation for the purpose of allowing on-site personnel to customize the presentations (Mandeberg 15:41-44) and thus the capability to target specific advertisements to consumers to increase revenue. The claimed "following up to determine information necessary to calculate an amount owed by said customer for said product" and "charging the account of said exhibitor with the amount owed" are met by "[t]he operating system preferably has a modem that may be queried by the system's billing system on a periodic basis to bill the account" (Hunter [0063]) wherein "[t]he system may also include means for generating royalty payment information for use in paying the content providers for the display of their movies" (Hunter [0013]).

As to claim 13, the claimed "including receiving multimedia material by downloading via said communication network" is met by that discussed in the rejection of claim 12.

As to claim 14, the claimed "wherein receiving multimedia material includes receiving non-digital media [selected from the group consisting of celluloid media, printed media, video cassettes, and audio tape]." Note, the Hunter reference discloses "[t]he movie theater operator is a customer of a system that permits the customer to review movies that are available in digital form and thereafter schedule and purchase a movie for display on the digital movie screens located at the customer's theater" (Hunter [0013]). However, the Hunter reference is silent as to the medium over which such multimedia material is received. Now note the Guido et al. reference that discloses

"wherein receiving multimedia material includes receiving non-digital media [selected from the group consisting of celluloid media, printed media, video cassettes, and audio tape]" wherein "[t]he central site includes a converter 8 which converts each frame of cinemagraphic movie film into a corresponding collection of digital data" (Guido 3:41-43) for storage (Guido 3:41-62; 6:1-3). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter available movies from a central location with the Guido et al. receipt and processing of celluloid media for the purpose of providing a medium for transferring multimedia material to the central location for purchase by movie theater operators. The claimed "and wherein said multimedia material is provided to said exhibitor using an electronic communications network" is met by that discussed in the rejection of claim 12.

As to claim 15, the claimed "wherein said follow-up is implemented by sending an e-mail to said exhibitor." Hunter does not expressly teach said follow-up is implemented by sending an e-mail to said customer. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of using e-mail in business transaction are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used email to follow up with the customer because email is a fast and cost effective method of communication when Internet service is available.

As to claim 16, the claimed "wherein said follow-up is implemented by consulting publicly reported data respecting said exhibitor. The Hunter reference does not expressly teach said follow-up is implemented by consulting publicly reported data respecting said customer. However, Official Notice (MPEP § 2144.03) is taken that both

the concepts and advantages of using publicly reported data are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have implemented a follow up by consulting publicly reported data respecting said customer's publicly listed telephone number or address publicly reported data (such as a listed phone number or mailing address) are reliable means of communication in a business transaction.

As to claim 17, the claimed "further comprising providing advertising material to purchasers over said communication network" is met by that discussed in the rejection of claim 12 wherein advertising is provided via a server. The claimed "and exhibitors to locally market and sell said multimedia material" is met by Hunter et al., Guido et al., Mandeberg et al. combination wherein advertisements are displayed in movie theaters (Hunter [0021,0023]).

As to claim 18, the claimed "further comprising querying said exhibitor to stimulate the sending of data from said exhibitor" is met by "[t]he operating system preferably has a modem that may be queried by the system's billing system on a periodic basis to bill the account" (Hunter [0063]). However, the Hunter reference does not specifically disclose recording said data into a database. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to store billing information in a database for the purpose of record keeping and to maintain the data in a readily accessible manner to generate bills to clients. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter billing collection accordingly for the above stated advantages.

11. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1) in further view of Guido et al. (US 5,924,013), Mandeberg et al. (US 6,038,545), Sprogis (US 2004/0093608 A1), and Vinson et al. (US 2003/0172374 A1).

As to claim 19, the claimed "comprising providing marketing data recorded in said database to customers in response to a query from a exhibitor." The Hunter reference discloses "[t]he operating system preferably has a modem that may be queried by the system's billing system on a periodic basis to bill the account" (Hunter [0063]) "[t]he system may also include means for generating royalty payment information for use in paying the content providers for the display of their movies" (Hunter [0013]). However, the Hunter reference does not specifically disclose that the collected information comprises sales information. Now note the Werner reference Sprogis reference that discloses collecting box office sales information to calculate audience exposure and for billing purposes (Sprogis [0029]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter collecting of information for billing with the Sprogis collection of ticket sales for the purpose providing accurate royalty payments to producers based on actual consumer consumption. Further note, the Hunter reference discloses "[i]nformation from verification archives module 150 is utilized by a demographic analysis module 170 to generate information for reports to be sent to customers after their advertisements have run" (Hunter [0036]). The Hunter and Sprogis combination teaches maintaining sales information. However, the Hunter reference is silent as to "comprising providing marketing data recorded in said database to customers

in response to a query from a exhibitor." Now note the Vinson et al. reference that discloses providing viewing behaviors data to users upon request (Vinson [0018,0089]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter and Sprogis sales data with the Vinson et al. reporting of viewing behaviors data for the purpose of providing the movie theater operator marketing information in which to make better business decisions regarding the scheduling and selection of motion pictures to present.

As to claim 20, the claimed "including providing marketing data based upon actual users of said server system," please see rejection of claim 19.

12. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1) in further view of Guido et al. (US 5,924,013), Bernard et al. (US 5,918,213), Mandeberg et al. (US 6,038,545), and Sprogis (US 2004/0093608 A1).

As to claim 21, note the Hunter reference that discloses a system permitting the display of video or still image content on selected displays of an electronic display network according to customer dictates. The claimed "receiving multimedia material from a producer or owner of said material" is met by input module 470 "also serving to transmit movies in digital form to movie theaters having a server 100M and electronic movie display devices 30" (Hunter [0070]) wherein the movies originate from a movie producer or content owner (Hunter [0063]). However, the Hunter reference does not specifically disclose that the input module 470 is a server. Now note the Guido et al. reference that discloses a method and apparatus for transmitting motion picture cinematic information for viewing in movie theaters and ordering method thereof. The claimed "storing said material on a computer readable storage medium" is met by central site 2

includes a digital storage unit 14 for storing movies (Guido 3:37-62). The claimed "providing a server system accessible over a communication network" is met by "[t]o order a movie, the second computer 40 initiates communication with the first computer 12 at the central site 2 via a communication network 50" (Guido 4:36-38). The claimed "said server system accessing data form said computer readable storage medium for transfer over said communication network" is met by the transmission of the movie from central site to second computer wherein it is inherent that the stored movie be read from digital storage for transmission (Guido 3:49-62; 54-5:33). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter input module 470 for providing movies to a movie theater with the Guido et al. server for providing movies for the purpose of providing a well known mechanism for providing requested content to a requesting entity. Further note, the Hunter reference discloses "[f]ollowing access, the customer reviews options concerning his order by reviewing the available movies through a review Available Movies and Purchase module 260 that permits the customer to see what movies are available" (Hunter [0060]). However, the Hunter reference is silent as to providing samples. Now note the Bernard et al. reference that discloses a system and method for automated remote previewing and purchasing of music, video, software, and other multimedia products. The claimed "providing samples over said server system of said multimedia material to potential purchasers" is met by "where the product is movies, the purchaser can select a particular movie to preview before actually purchasing or renting the movie. In this scenario, a sample portion of the movie, or an actual preview, is provided to the customer for his or her sampling" (Bernard 3:30-36). Therefore, the

examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter reviewing of available movies with the Bernard et al. previewing of movies so "users can sample portions of selected title to determine whether or not it is a product they would actually like to...purchase" (Bernard 3:23-29). The claimed "downloading upon request over said server system said multimedia material" is met by the Hunter and Guido et al. combination as discussed above wherein "[f]ollowing scheduling and purchasing, the customer-ordered movie is transmitted to a server 300 associated with the customer's movie theater" (Hunter [0061]). Further note, the Hunter reference discloses "[t]he system may also include means for generating royalty payment information for use in paying the content providers for the display of their movies" (Hunter [0013]). Note the Hunter reference discloses "[t]he operating system preferably has a modem that may be queried by the system's billing system on a periodic basis to bill the account" (Hunter [0063]) "[t]he system may also include means for generating royalty payment information for use in paying the content providers for the display of their movies" (Hunter [0013]). However, the Hunter reference does not specifically disclose "querying said customer to stimulate the sending of ticket sales data from said customer.". Now note the Werner reference Sprogis reference that discloses collecting box office sales information to calculate audience exposure and for billing purposes (Sprogis [0029]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter collecting of information for billing with the Sprogis collection of ticket sales for the purpose providing accurate royalty payments to producers based on actual consumer consumption. However, the Hunter reference does

not specifically disclose recording said data into a database. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to store billing information in a database for the purpose of record keeping and to maintain the data in a readily accessible manner to generate bills to clients. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter billing collection accordingly for the above stated advantages.

13. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 2002/0162113 A1) in further view of Guido et al. (US 5,924,013), Bernard et al. (US 5,918,213), Mandeberg et al. (US 6,038,545), Sprogis (US 2004/0093608 A1), and Vinson et al. (US 2003/0172374 A1).

As to claim 22, the claimed "comprising providing marketing data recorded in said database to customers in response to a query from a customer." Note, the Hunter reference discloses "[i]nformation from verification archives module 150 is utilized by a demographic analysis module 170 to generate information for reports to be sent to customers after their advertisements have run" (Hunter [0036]). The Hunter and Sprogis combination teaches maintaining sales information. However, the Hunter reference is silent as to "comprising providing marketing data recorded in said database to customers in response to a query from a customer." Now note the Vinson et al. reference that discloses providing viewing behaviors data to users upon request (Vinson [0018,0089]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hunter and Sprogis sales data with the Vinson et al. reporting of viewing behaviors data for the purpose of providing

the movie theater operator marketing information in which to make better business decisions regarding the scheduling and selection of motion pictures to present.

14. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (U.S. Patent #6,038,367) in view of Bernard et al. (U.S. Patent # 5,918,213).

As for Claim 23, the limitations of Claim 23 fall within the limitations of Claim 11. Claim 23 is analyzed and rejected as previously show on Claim 11. Claim 23 further requires the limitation of having a third memory domain for receiving market data in response to an order for said multimedia product. Abecassis does not expressly teach having a third memory domain for receiving market data in response to an order for said multimedia product. However, in the same field of endeavor, Bernard et al. teach storing market data in response to an order for a multimedia product. See Bernard et al. col. 4 line 67 - col. 5 line 5 "The system comprises an interface unit which provides the front-end interface to the customers, an interactive transaction database for storing important information regarding the system and its customers, and, optionally, a customer service center for handling special situations which may arise from time to time with customers." In light of the teaching of Bernard et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teaching of Abecassis to include a third memory domain for receiving and storing important market data (such as vital customer information) in response to an order for a multimedia product. One of ordinary skill in the art would have been motivated to have a third memory domain for storing market data in order to keep a profile on the customers so the customer's personal preference can be stored in memory and customers do not have to enter personal information again.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Avnet et al. reference (US 2002/0094787 A1) discloses a method and apparatus for transmitting information from point-to-point.

The Nemirofsky reference (US 5,412,416) discloses a video media distribution network apparatus and method.

The Morley et al. reference (US 2002/0056081 A1) discloses an apparatus and method for decoding digital image and audio signals.

The Atkinson reference (US 2001/0054180 A1) discloses a system and method for synchronizing output of media in public spaces.

The Werner reference (US 2002/0069107 A1) discloses a video presentation scheduling and control method and system.

The Rabowsky reference (US 6,141,530) discloses a system and method for digital electronic cinema delivery.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm

VIVEK SRIVASTAVA
PRIMARY EXAMINER